

ORDINANCE NO. 2006 - 023

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **FUTURE LAND USE ELEMENT** (TO UPDATE POLICY 2.4-D WITH A TIMEFRAME THAT ALLOWS FOR DEVELOPMENT OF TRANSPORTATION ORIENTED DEVELOPMENT (TOD) GUIDELINES); **TRANSPORTATION ELEMENT** (TO UPDATE THE ELEMENT FOR CONSISTENCY WITH CHANGES TO RULE 9J-5, F.A.C. AND CH. 163 F.S.); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

**WHEREAS**, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

**WHEREAS**, the Palm Beach County Local Planning Agency conducted its public hearings on February 10, 24 and March 24, 2006 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 5, 2006 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, Palm Beach County received the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated June 23, 2006 which was the Department's written review of the proposed Comprehensive Plan amendments; and

1           **WHEREAS**, on August 21, 2006 the Palm Beach County Board of County  
2 Commissioners held a public hearing to review the written comments  
3 submitted by the Department of Community Affairs and to consider  
4 adoption of the amendments; and

5           **WHEREAS**, the Palm Beach County Board of County Commissioners has  
6 determined that the amendments as modified satisfy the concerns  
7 addressed in the Department of Community Affairs' "Objections,  
8 Recommendations and Comments Report" and comply with all requirements  
9 of the Local Government Comprehensive Planning and Land Development  
10 Regulations Act.

11           **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
12 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

13           **Part I. Amendments to the 1989 Comprehensive Plan**

14           Amendments to the text of the following Elements of the 1989  
15 Comprehensive Plan are hereby adopted and attached to this Ordinance  
16 in Exhibit 1:

- 17           **A. Future Land Use Element**, to update Policy 2.4-D with a  
18 timeframe that allows for the development of Transportation  
19 Oriented Development (TOD) guidelines; and  
20           **B. Transportation Element**, to update the Element for  
21 consistency with changes to Rule 9J-5, F.A.C. and CH. 163  
22 F.S.

23           **Part II. Repeal of Laws in Conflict**

24           All local laws and ordinances applying to the unincorporated area  
25 of Palm Beach County in conflict with any provision of this ordinance  
26 are hereby repealed to the extent of such conflict.

27           **Part III. Severability**

28           If any section, paragraph, sentence, clause, phrase, or word of  
29 this Ordinance is for any reason held by the Court to be  
30 unconstitutional, inoperative or void, such holding shall not affect  
31 the remainder of this Ordinance.

32  
33           **Part IV. Inclusion in the 1989 Comprehensive Plan**

34           The provision of this Ordinance shall become and be made a part  
35 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the

1 Ordinance may be renumbered or relettered to accomplish such, and the  
2 word "ordinance" may be changed to "section," "article," or any other  
3 appropriate word.

4 **Part V. Effective Date**

5 The effective date of this plan amendment shall be the date a  
6 final order is issued by the Department of Community Affairs or  
7 Administration Commission finding the amendment in compliance in  
8 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is  
9 applicable. No development orders, development permits, or land uses  
10 dependent on this amendment may be issued or commence before it has  
11 become effective. If a final order of noncompliance is issued by the  
12 Administration Commission, this amendment may nevertheless be made  
13 effective by adoption of a resolution affirming its effective status,  
14 a copy of which resolution shall be sent to the Florida Department of  
15 Community Affairs, Division of Community Planning, Plan Processing  
16 Team. An adopted amendment whose effective date is delayed by law  
17 shall be considered part of the adopted plan until determined to be  
18 not in compliance by final order of the Administration Commission.  
19 Then, it shall no longer be part of the adopted plan unless the local  
20

1 government adopts a resolution affirming its effectiveness in the  
2 manner provided by law.

3 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm  
4 Beach County, on the 21st day of August, 2006.

5  
6 ATTEST:

7 SHARON R. BOCK, CLERK

PALM BEACH COUNTY, FLORIDA,

BY ITS BOARD OF COUNTY COMMISSIONERS

8  
9  
10 By: Judith Bock

11 Deputy Clerk

By: John Jeff Koon

12 Tony Masilotti, Chairman

13 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

14  
15 [Signature]  
16 COUNTY ATTORNEY

17  
18 Filed with the Department of State on the 29th day of  
19 August, 2006.

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22 1\_EARRelatedTransportationUpdates.doc  
23

## EXHIBIT 1

### A. Future Land Use Element, EAR Related Transportation Updates

**REVISIONS:** To revise and update. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

#### Objective 2.4: Mixed-Use Developments

1. **Revised Policy 2.4-d:** By ~~December 2001~~, December 2007, the Planning Division shall develop criteria to encourage Transit Oriented Developments to be located within a reasonable walking distance of a fixed transit node to increase the use and efficiency of mass transit.

### B. Transportation Element, EAR Related Transportation Updates

**REVISIONS:** To revise and update. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

#### Objective 1.13: General Plan Coordination

2. **Delete Policy 1.13-m:** ~~By January 2000 the County shall consider adopting Transit Oriented Development (TOD) guidelines that will be consistent with the County's growth management efforts.~~

#### Objective 1.1: Level of Service Standards

3. **New Policy 1.1-o:** Palm Beach County shall consider establishing Multimodal transportation districts by December 2010 pursuant to Sections 163.3180(15)(a), F.S. and related 9J-5 provisions as indicated in the 2004 EAR report.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, SHARON H. DOCK, Clerk & Comptroller certify  
this to be a true and correct copy of the original  
filed in my office on **AUG 21 2006**  
dated at West Palm Beach, FL on 9-9-2006  
by Sharon H. Dock  
Deputy Clerk

